

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JULIE ANN HAMSTEAD,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:18-CV-79
(Honorable Gina M. Groh)**

**WEST VIRGINIA STATE POLICE;
TROOPER D. R. WALKER, in his official capacity;
CITY OF RANSON, WEST VIRGINIA;
SARGEANT KEITH SIGULINSKY, in his official capacity;
CITY OF CHARLES TOWN, WEST VIRGINIA;
MASTER PATROLMAN JASON NEWLIN,
in his official capacity; THE WEST VIRGINIA
DIVISION OF HIGHWAYS; RODNEY D. HEDRICK, SR.,
in his official capacity; KYLE REED KOPPENHAVER,
in his official capacity; A.B., an unknown individual
known as the West Virginia Department of Highways'
"Muscle Man" on the 2016 Ranson-Charles Town
Green Corridor Fairfax Boulevard Project;
JEFFERSON CONTRACTING, INC., a corporation;
JEFFERSON ASPHALT PRODUCTS COMPANY, a corporation;
DALE DEGRAVE; ALLEN SHUTTS; JOHN TIMOTHY MORRIS;
WEST VIRGINIA UNIVERSITY HOSPITALS-EAST, INC., dba
"Jefferson Medical Center"; KELLY HALBERT, RN;
and X, Y, and Z, unknown persons who conspired and/or
aided and abetted in the fabrication of false criminal charges
against Julie Hamstead,**

Defendants.

**DEFENDANTS WEST VIRGINIA STATE POLICE AND TROOPER D. R. WALKER'S
MOTION TO DISMISS FIRST AMENDED COMPLAINT**

Defendants West Virginia State Police and Trooper D. R. Walker (collectively, the "State Police Defendants") by counsel, respectfully move the Court under Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss all claims against them, with prejudice. As set forth more fully in the accompanying memorandum of law, the facts pled in the Amended Complaint, along with those contained in documents expressly referred to therein and upon which Plaintiff's claims

necessarily rely, show that Ms. Hamstead has failed to plead facts to state a plausible claim against the State Police Defendants, either because she has not pled a recognized cause of action, she has not pled all the required elements of a recognized cause of action, or the State Police Defendants are entitled to qualified immunity from her claims.

WHEREFORE, for the foregoing reasons, as well as those set forth in the accompanying memorandum of law, Defendants West Virginia State Police and Trooper D. R. Walker respectfully request dismissal from this action and that an award for costs, including any attorney fees, be awarded to them.

Dated this 25th day of June 2018.

Respectfully submitted,

/s/ Mark G. Jeffries

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of June 2018, I filed the foregoing "***Defendants West Virginia State Police and Trooper D. R. Walker's Motion to Dismiss First Amended Complaint***" with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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